

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KIEL STONE,

Plaintiff,

Case No. 1:19-cv-675

v.

Honorable Paul L. Maloney

JEFF ROSEBOOM et al.,

Defendants.

/

ORDER OF TRANSFER

This is a civil rights action brought under 42 U.S.C. § 1983. Plaintiff has been granted leave to proceed *in forma pauperis*. This lawsuit relates to an August 18, 2017, incident in New Carlisle, Indiana, and the consequences of that incident. Plaintiff sues New Carlisle Chief of Police Jeff Roseboom, Officer James M. Niedbalski, Attorney Andrea Halpin, Jail Warden Julie Lawson, the St. Joseph County Jail, Public Defender Linda Brotherson, and the St. Joseph County Public Defenders Office. All of the events referenced in Plaintiff's complaint occurred in Indiana and all of the Defendants work, and apparently live, in Indiana. Plaintiff alleges that he lives in Niles, Michigan.

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). The events giving rise to Plaintiff's action occurred in St. Joseph County, Indiana. St. Joseph County, Indiana, is within the geographical boundaries of the South Bend Division of the United States District Court for the Northern District of Indiana. 28 U.S.C. § 94. Defendants are public officials serving in St. Joseph County, Indiana, and they

“reside” in that county for purposes of venue over a suit challenging official acts. *See Butterworth v. Hill*, 114 U.S. 128, 132 (1885); *O’Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). In these circumstances, venue is proper only in the Northern District of Indiana. Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the Northern District of Indiana pursuant to 28 U.S.C. § 1406(a). **It is noted that this Court has not reviewed Plaintiff’s complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).**

Dated: September 12, 2019

/s/ Ray Kent
United States Magistrate Judge